

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARCIA K. DENISON,

07-CV-905-BR

Plaintiff,

OPINION AND ORDER

v.

DEPARTMENT OF FORESTRY,

Defendant.

MARCIA K. DENISON

P.O. Box 1463

Rainier, OR 97048

(503) 556-4012

Plaintiff, *Pro Se*<sup>1</sup>

**BROWN, Judge.**

On June 19, 2007, Plaintiff filed a thirty-page Complaint seeking a temporary restraining order on the grounds that

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<sup>1</sup> Plaintiff has not yet served Defendant, and, therefore, no one has appeared on its behalf.

Defendant deprived her of

Federal 14th Amendment liberty, substantive due process, and equal protection under the laws, 5th Amendment life, liberty and property without just compensation, 1st Amendment right to petition the government for redress of grievance & Oregon Art. 1, Sec. 10 Administration of justice. and [sic] Oregon Constitution Article 1 Sections 1 rights inherent in the people. Rights to peace, happiness, and to alter, reform or abolish the government and equal rights. Article 1 Sec. 20 Equality of Privileges and Immunities. No law granting citizen or class these not equally belonging to all ... . [sic] Federal 9th Amendment enumerated rights shall not disparage any rights held by the people, Oregon Art. 1 Sec. 33 Enumerated rights ... impair or deny rights of others.

Compl. at 1. Plaintiff alleges Defendant deprived her of these various rights in connection with "a proposed land exchange between Department of Forestry, and Martin Nygaard and Kent Grewe."

Federal Rule of Civil Procedure 8(a) provides a complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Rule 8(e)(1) requires "[e]ach averment of a pleading shall be simple, concise, and direct." If the factual elements of a claim are scattered throughout the complaint and are not organized into a "short and plain statement of the claim," the Court may properly dismiss the complaint for failure to satisfy Rule 8(a). *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 640 (9<sup>th</sup> Cir. 1988). See also *McHenry v. Renne*, 84 F.3d 1172, 1178 (9<sup>th</sup> Cir. 1996)(court may dismiss

the claim for failure to comply with Rule 8); *Schmidt v. Herrmann*, 614 F.2d 1221 (9<sup>th</sup> Cir. 1980)(a complaint that fails to comply with Rules 8(a) and 8(e) may be dismissed).

As noted, Plaintiff filed a thirty-page Complaint in this matter. The Complaint does not contain a short and plain statement of Plaintiff's claims or the factual elements to support those claims. The Court, therefore, concludes Plaintiff's Complaint does not comply with the requirements of Rule 8.

Accordingly, the Court dismisses Plaintiff's Complaint. The Court, however, grants Plaintiff leave to amend her Complaint consistent with this Opinion and Order no later than July 17, 2007. If Plaintiff chooses to file an amended complaint, Plaintiff must comply with the requirements of Rule 8 or the Court shall dismiss that complaint. If Plaintiff does not file an amended complaint by July 17, 2007, the Court will dismiss this matter with prejudice.

IT IS SO ORDERED.

DATED this 26<sup>th</sup> day of June, 2007.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge